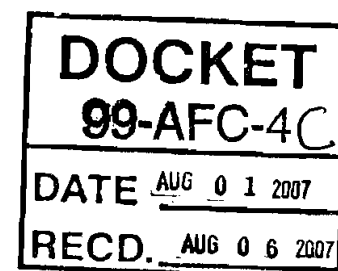


**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

**STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**



**In the Matter of:**  
**DYNEGY MOSS LANDING POWER**  
**PROJECT**

)  
) **Docket No. 99-AFC-4C**  
)

**DYNEGY MOSS LANDING, LLC**  
\_\_\_\_\_

) **Order No. 07-801-4**  
) **ORDER APPROVING** a Petition to Connect a  
) Small Pilot Desalination Facility to the  
) Discharge Lines of Units 1 and 2 for a Twelve  
Month Period.

Dynegy Moss Landing, LLC, the owner/operators of the Dynegy Moss Landing Power Project, has requested to modify the Commission's Decision to allow California American Water (CAW) to temporarily connect to existing discharge lines associated with Units 1 and 2 as part of testing a pilot desalination plant. The modification will not change the operational profile of the power plant. No additional water will be required, nor measurable change in the chemical composition of the power plant's discharge. The modification will allow the CAW to evaluate potential operational characteristics of a proposed seawater desalination plant and to demonstrate the reliability of the reverse osmosis desalination technology. Information and data gathered from the pilot facility operation would be utilized for future desalination plant design, environmental review, and the regulatory permitting process.

The modifications were approved by Monterey County Board of Supervisors, the Central Coast Regional Water Quality Control Board and the California Coastal Commission.

**STAFF RECOMMENDATION**

The Energy Commission staff reviewed the petition and finds that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of Dynegy Moss Landing, LLC's petition to modify the Decision for the Dynegy Moss Landing Power Project and amend related Conditions of Certification.

**ENERGY COMMISSION FINDINGS**

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- o The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;

- The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- The Moss Landing Power Project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;
- Approval of this petition (modification) will be beneficial to California American Water and future decision makers due to the increased data that will be garnered from operating this pilot project.
- This change is based on information that was not available to the parties prior to Energy Commission certification in that the request had not been made, nor approvals granted from Monterey County, the Regional Board and the Coastal Commission.

## CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Dynegey Moss Landing Power Project's Decision. New language is shown **double-underlined and bolded**. There are no deletions to this condition.

## CONDITION OF CERTIFICATION

**CUL-9** The designated cultural resources specialist or delegated monitor(s) shall be present at times the specialist deems appropriate to monitor construction related grading, excavation, trenching, and/or auguring in the vicinity of previously recorded archaeological sites and in areas where ground disturbance is taking place.

In addition to areas identified by the cultural resources specialist, monitoring shall take place in the following locations:

1. The area of the intake structure, located on the east side of Moss Landing Harbor, is now separated from adjacent areas to the north and south by a chain link fence. If there is any reason to extend project activities (whether or not earth is disturbed) to the other side of the fence, monitoring shall be required.
2. Installation of both 54 inch and 84 inch new pipes, that are connections to existing seawater intake pipes, is planned. Monitoring shall be required where the depth of the trench exceeds the depth of previous earth disturbance.
3. Monitoring shall be required during earth disturbance related to the installation of the new natural gas line.
4. **Monitoring shall be required full-time during ground disturbance in native soil for the temporary seawater desalination pilot plant. A report that discusses soil types and monitoring activities including methods, procedures, dates, locations, results and personnel shall be prepared by the CRS and provided to the CPM for review and approval.**

**Protocol:** Except in the areas where monitoring is required by these conditions, if the designated cultural resources specialist determines that full time monitoring is

not necessary in certain portions of the project area, the designated specialist shall notify the project owner of the changes. Evidence of monitoring activities shall be recorded in the daily log and provided in the monthly compliance report. The designated cultural resources specialist shall also record in the daily log the areas where monitoring is being reduced or is no longer deemed necessary.

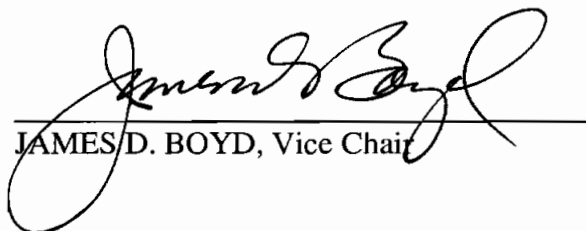
**Verification:** Throughout project construction, the project owner shall include in the Monthly Compliance Reports to the CPM, copies of the weekly summary reports prepared by the designated cultural resources specialist, regarding project related cultural resources monitoring.

**Within 14 days after completion of ground disturbance for the desalination project, the CRS shall provide a report on soil types, monitoring activities and results to the CPM for review and approval.**

**IT IS SO ORDERED.**

Date: August 1, 2007

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION



JAMES D. BOYD, Vice Chair